

# SENATE JOURNAL

OF THE

## IDAHO LEGISLATURE

FIRST REGULAR SESSION  
FIFTY-NINTH LEGISLATURE

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**EIGHTIETH LEGISLATIVE DAY**  
**WEDNESDAY, MARCH 28, 2007**

Senate Chamber

President Risch called the Senate to order at 10 a.m.

Roll call showed all members present except Senators Kelly, Little, and Stegner, absent and excused.

Prayer was offered by Chaplain Goebel.

The Pledge of Allegiance was led by Sarah Marie Decker, Page.

The Senate advanced to the Third Order of Business.

### Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of March 27, 2007, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Ninth Order of Business.

### Messages from the House

Senators Kelly, Little, and Stegner were recorded present at this order of business.

March 27, 2007

Mr. President:

I transmit herewith **SCR 121, S 1236, S 1237, and S 1238** which have passed the House.

JUKER, Chief Clerk

**SCR 121, S 1236, S 1237, and S 1238** were referred to the Judiciary and Rules Committee for enrolling.

March 27, 2007

Mr. President:

I return herewith **S 1242, S 1234, and S 1235** which have passed the House.

JUKER, Chief Clerk

**S 1242, S 1234, and S 1235** were referred to the Judiciary and Rules Committee for enrolling.

March 27, 2007

Mr. President:

I transmit herewith Enrolled **H 253**, as amended in the Senate, **H 295**, as amended in the Senate, **H 327**, and **H 329** for the signature of the President.

JUKER, Chief Clerk

The President signed Enrolled **H 253**, as amended in the Senate, **H 295**, as amended in the Senate, **H 327**, and **H 329** and ordered them returned to the House.

March 27, 2007

Mr. President:

I return herewith Enrolled **S 1138, S 1180, S 1202, S 1213, S 1230, S 1231, S 1232, and S 1233** which have been signed by the Speaker.

JUKER, Chief Clerk

Enrolled **S 1138, S 1180, S 1202, S 1213, S 1230, S 1231, S 1232, and S 1233** were referred to the Judiciary and Rules Committee for transmittal to the Office of the Governor.

March 27, 2007

Mr. President:

I transmit herewith Enrolled **H 123**, as amended in the Senate, **H 42**, as amended in the Senate, **H 166**, as amended, as amended in the Senate, **H 326, H 184**, as amended, **H 328, H 325**, and **HCR 32** for the signature of the President.

JUKER, Chief Clerk

The President signed Enrolled **H 123**, as amended in the Senate, **H 42**, as amended in the Senate, **H 166**, as amended, as amended in the Senate, **H 326, H 184**, as amended, **H 328, H 325**, and **HCR 32** and ordered them returned to the House.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Twelfth Order of Business.

**Second Reading of Bills****Suspension of Rules**

On request by Senator Davis, granted by unanimous consent, all rules of the Senate interfering with the immediate passage of **S 1123**, as amended, as amended in the House, were suspended, and the portions of Section 15, Article 3, of the Constitution of the State of Idaho requiring all bills to be read on three several days were dispensed with, this being a case of urgency.

**S 1123**, as amended, as amended in the House, was read the second time by title and the third time at length, section by section, and placed before the Senate for final consideration. Senator McKenzie arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bastian, Bilyeu, Broadsword, Cameron, Coiner, Corder, Burkett, Darrington, Davis, Douglas (Werk), Fulcher, Gannon, Geddes, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, McGee, McKague, McKenzie, Pearce, Richardson, Schroeder, Siddoway, Stennett. Total - 32.

NAYS--Bair, Goedde, Stegner. Total - 3.

Total - 35.

Whereupon the President declared **S 1123**, as amended, as amended in the House, passed, title was approved, and the bill was referred to the Judiciary and Rules Committee for enrolling.

On request by Senator Davis, granted by unanimous consent, the Senate returned to the Sixth Order of Business.

**Reports of Standing Committees**

March 27, 2007

The JUDICIARY AND RULES Committee reports that **S 1236**, **S 1237**, **S 1238**, and **SCR 121** have been correctly enrolled.

DARRINGTON, Chairman

The President signed Enrolled **S 1236**, **S 1237**, **S 1238**, and **SCR 121**, and ordered them transmitted to the House for the signature of the Speaker.

March 28, 2007

The JUDICIARY AND RULES Committee reports that **S 1234**, **S 1235**, and **S 1242** have been correctly enrolled.

DARRINGTON, Chairman

The President signed Enrolled **S 1234**, **S 1235**, and **S 1242**, and ordered them transmitted to the House for the signature of the Speaker.

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate recessed at 11:10 a.m. until the hour of 1:45 p.m. of this day.

**RECESS  
AFTERNOON SESSION**

The Senate reconvened at 1:45 p.m., pursuant to recess, President Risch presiding.

Roll call showed all members present except Senators Burkett, Goedde, Langhorst, McKenzie, and Stennett, absent and excused.

Prior to recess the Senate was at the Sixth Order of Business, Reports of Standing Committees.

March 28, 2007

The JUDICIARY AND RULES Committee reports that Enrolled **S 1138**, **S 1180**, **S 1202**, **S 1213**, **S 1230**, **S 1231**, **S 1232**, and **S 1233** were delivered to the Office of the Governor at 11:40 a.m., March 28, 2007.

DARRINGTON, Chairman

The report was ordered filed in the office of the Secretary of the Senate.

March 28, 2007

The JUDICIARY AND RULES Committee reports that **S 1123**, as amended, as amended in the House, has been correctly enrolled.

DARRINGTON, Chairman

The President signed Enrolled **S 1123**, as amended, as amended in the House, and ordered it transmitted to the House for the signature of the Speaker.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eighth Order of Business.

**Messages from the Governor**

Senators Burkett, Goedde, Langhorst, McKenzie, and Stennett were recorded present at this order of business.

March 27, 2007

The Honorable James E. Risch  
President of the Senate  
Idaho Legislature

Dear Mr. President:

I have the honor to advise you that I have signed today and am transmitting to the Secretary of State the following Senate Bill, to wit:

**S 1082**, as amended

As Always - Idaho, *Esto Perpetua*  
/s/ C. L. 'Butch' Otter  
Governor of Idaho

The correspondence was ordered filed in the office of the Secretary of the Senate.

March 27, 2007

The Honorable James E. Risch  
President of the Senate  
Idaho Legislature

Dear Mr. President:

I have the honor to advise you that I have signed today and am transmitting to the Secretary of State the following Senate Bill, to wit:

**S 1143**

As Always - Idaho, *Esto Perpetua*  
/s/ C. L. 'Butch' Otter  
Governor of Idaho

The correspondence was ordered filed in the office of the Secretary of the Senate.

March 23, 2007

The Honorable James E. Risch  
President of the Senate  
Idaho Legislature

Dear Mr. President:

I hereby advise you that I am returning to you, without my approval, disapproved and vetoed, the following Senate Bill, to wit:

**S 1125**

within the time limited by law, the same having arrived in the office of the Governor at the hour of 1:45 p.m. on March 22, 2007.

While no doubt well-intended, **S 1125** would eliminate access to less expensive forms of underinsured motorist coverage now available to Idaho consumers, forcing our citizens to obtain a more expensive form of the coverage.

The Legislature also is unclear about when its impact would begin on insurance policies already in force – an ambiguity that may lead to unnecessary regulatory and legal expenses.

Legislation that reduces choice and increases the cost of insurance to consumers may result in more uninsured motorists on Idaho's roadways. As with many government actions that mandate market conditions, this bill is rife with unintended and potentially negative consequences.

As Always - Idaho, *Esto Perpetua*  
/s/ C. L. 'Butch' Otter  
Governor of Idaho

The correspondence was ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, **S 1125** was re-committed to the Commerce and Human Resources Committee.

The Senate advanced to the Ninth Order of Business.

**Messages from the House**

March 28, 2007

Mr. President:

I return herewith Enrolled **S 1234**, **S 1235**, **S 1242**, **S 1236**, **S 1237**, **S 1238**, and **SCR 121** which have been signed by the Speaker.

JUKER, Chief Clerk

Enrolled **S 1234**, **S 1235**, **S 1242**, **S 1236**, **S 1237**, and **S 1238** were referred to the Judiciary and Rules Committee for transmittal to the Office of the Governor.

Enrolled **SCR 121** was referred to the Judiciary and Rules Committee for transmittal to the Office of the Secretary of State.

March 28, 2007

Mr. President:

I transmit herewith **H 81**, as amended in the Senate, and the Governor's veto message, which has passed the House, the Governor's veto notwithstanding.

JUKER, Chief Clerk

March 20, 2007

The Honorable Lawrence Denney  
Speaker, House of Representatives  
Statehouse  
Boise, ID 83720

Dear Mr. Speaker:

I hereby advise you that I have transmitted to the Office of the Secretary of State, without my approval, disapproved and vetoed,

the following House Bill to wit:

**H 81**, as amended in the Senate

within the time limited by law, the same having arrived in the Office of the Governor at the hour of 3:00 p.m. on March 19, 2007.

The criteria by which I assess legislation, as explained in my State of the State address, including living within our means and not imposing undue burdens on future state budgets. **H 81**, as amended in the Senate, violates both.

At a cost of \$31.1 million in the budget year that begins July 1, \$31.8 million the following year and \$32.4 million in fiscal year 2010, **H 81**, as amended in the Senate, significantly damages our ability to pay for the vital state services needed and demanded by Idaho taxpayers.

To the degree those needs and demands are left unmet in fiscal 2008, they will expand by orders of magnitude in subsequent years far beyond the immediate budgetary impact of the legislation itself. That becomes particularly important in the context of state revenue for the current budget year running about \$28 million behind projections through February.

I appreciate the debate that took place in the House and Senate on this issue, as well as the good intentions of the sponsors – to whom I expressed these concerns early and often.

However, the Legislature's deliberations failed to adequately consider the degree to which a decision on the grocery tax credit would impact other necessary programs and services. Such critical questions must not be considered in a vacuum.

It remains my firm belief that the best way to begin addressing both the inequity of the sales tax on food and the legitimate obligations of state government is to target tax relief where it is needed most.

It is indisputable that low-income Idahoans spend a disproportionate share of their incomes on food. It also is true that the inequity faced by moderate-to-high income Idahoans – while real – is far less stark and immediate. Fiscal policy that does not adequately take into account the broader real-world repercussions on ordinary Idahoans is unacceptable to me.

As Always - Idaho, *Esto Perpetua*  
/s/ C. L. 'Butch' Otter  
Governor of Idaho

On request by Senator Davis, granted by unanimous consent, **H 81**, as amended in the Senate, was re-committed to the Local Government and Taxation Committee.

March 28, 2007

Mr. President:

I transmit herewith **H 121**, and the Governor's veto message, which has passed the House, the Governor's veto notwithstanding.

JUKER, Chief Clerk

March 22, 2007

The Honorable Lawrence Denney  
Speaker, House of Representatives  
Statehouse  
Boise, ID 83720

Dear Mr. Speaker:

I hereby advise you that I have transmitted to the Office of the Secretary of State, without my approval, disapproved and vetoed, the following House Bill to wit:

**H 121**

within the time limited by law, the same having arrived in the office of the Governor at the hour of 10:25 a.m. on March 16, 2007.

Given legislative concerns about "social engineering," particularly in regard to my proposal for targeted expansion of the grocery tax credit, in the interest of consistency it seems reasonable to conclude that such concern would extend to this legislation as well.

Social engineering by government should be of special concern when it also involves the private property rights of our citizens. **H 121** imposes an unreasonable burden on private property rights as well as legitimate and lawful business activities.

As Always - Idaho, *Esto Perpetua*  
/s/ C. L. 'Butch' Otter  
Governor of Idaho

The question being, "Shall **H 121** become law, the Governor's veto notwithstanding?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Cameron, Coiner, Corder, Burkett, Darrington, Davis, Douglas (Werk), Gannon, Geddes, Goedde, Hammond, Heinrich, Hill, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, McGee, McKenzie, Schroeder, Siddoway, Stegner, Stennett. Total - 29.

NAYS--Broadsword, Fulcher, Jorgenson, McKague, Pearce, Richardson. Total - 6.

Total - 35.

More than two-thirds having voted in the affirmative, the President declared that **H 121** shall become law, the Governor's veto notwithstanding, and ordered the bill and the veto message returned to the House.

March 28, 2007

Mr. President:

I return herewith **S 1243** which has passed the House.

JUKER, Chief Clerk

**S 1243** was referred to the Judiciary and Rules Committee for enrolling.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

**Miscellaneous Business**

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate adjourned at 3:20 p.m. until the hour of 9:30 a.m., Thursday, March 29, 2007.

JAMES E. RISCH, President

Attest: JEANNINE WOOD, Secretary